

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

LA.App..No. 705 of 2000(A)

LAR.27/1995 of SUB COURT, MANJERI
.....

APPELLANT: RESPONDENT

STATE OF KERALA

BY GOVERNMENT PLEADER SMT. K.R.DEEPA

RESPONDENT - CLAIMANT

POOZHICKUTH MUHAMMED, KARUVAMBRUM AMSOM,
MELAKKOM DESOM, ERNAD TALUK.

BY ADV. SRI.R.RAJESH KORMATH
SMT.PREETHY KARUNAKARAN
SMT.MEENA.A.
SMT.M.R.MINI
SRI.V.S.ROBIN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 16/10/2007 ALONG WITH LAA NO. 891 OF 2000, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.Nos.705 & 891 of 2000

Dated: October 16, 2007

JUDGMENT

Kurian Joseph, J.

These appeals are filed against LAR No.27/1995 on the file of the Sub Court, Manjeri, the former by the State and the latter by the claimant. The acquisition is for the purpose of the bypass road at Manjeri. Having regard to the entire facts and circumstances of the case, it is seen that the Reference Court has granted enhanced compensation at the rate of Rs.9500/- per cent for the entire extent of land. In the course, the Reference Court has considered the land value of Ext.A1 sale deed executed in the year 1987 where the land value is Rs.40,000/- per cent. Ext.A2 is a post-notification transaction of 1992 (sec.4(1) notification was in the year 1991) where the land value is Rs.40,000/- per cent. According to the learned Government Pleader the acquired land is not similar and similarly situated as that of Exts.A1 and A2 properties and hence such value cannot be given to the land acquired in this case. The fact remains that the acquired property is also situated in an important locality, within 750 metres of the Manjeri new bus-stand and within 500 metres of the old bus-stand. The learned counsel for the claimant (appellant in LAA No.891/2000) submits that the land value may be fixed atleast at Rs.15000/- per cent. The land acquisition officer has fixed the land value at Rs.8840/- per cent. The Reference Court has granted enhanced

compensation at the rate of Rs.9500/- per cent. Having regard to the rival contentions of the State as well as the claimant, we are of the view that fixing the land value at Rs.15000/- per cent would be a just and proper fixation of the land value.

Accordingly, we modify the judgment and decree and hold that the claimant shall be entitled to have the land value fixed at Rs.15000/- per cent. The claimant shall also be entitled to all the statutory benefits including interest on solatium. The appeals are disposed of as above.

**KURIAN JOSEPH
JUDGE**

**HARUN-UL-RASHID
JUDGE.**

mt/-

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